

Appl. No. 10/620,231
 Amdt. Dated Aug. 22, 2006
 Reply to Office action of 02/23/2006

REMARKS/ARGUMENTS

Information under CFR 1.105 - Co-pending Applications

The following list of all co-pending applications is provided in accordance with 37 CFR 1.105. The specific independent claims, which may present double patenting issues with the instant application claims, are identified to the best knowledge of the practitioner where applicable.

S/N	Specific Independent Claim Number(s)
09/254,078	None
10/136,607	None
10/137,495	None
10/428,461	1, 14, 17, 19, 23, 33, 36, 38, 39, 41, 42, 43, 46, 54, 55, 56
10/429,074	28, 35, 45
10/429,123	1, 29, 36, 47, 53, 57, 60
10/620,231	Instant Application
10/626,795	None
10/684,252	1
10/791,440	1
10/847,004	30
10/953,240	None
10/992,325	None
11/010,618	None
11/010,776	None
11/010,994	None
11/074,423	10, 14, 32, 73
11/103,332	None
11/133,996	1, 15, 23
11/135,143	None
11/139,454	None
11/233,623	None
11/233,946	None
11/234,591	None
11/246,990	25, 33, 41
11/260,538	None
11/265,310	None
11/285,629	None
11/293,536	1
11/303,722	None
11/343,126	1
11/387,387	None
11/438,109	None

OraMetrix, Inc.
 2350 Campbell Creek Blvd., Suite 400
 Richardson, Texas 75082

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Information under CFR 1.105 - Related Patents

The following list of related patents is provided in accordance with 37 CFR 1.105. The specific independent claims, which may present double patenting issues with the instant application claims, are identified to the best knowledge of the practitioner. The patents, which are not believed to the best knowledge of the practitioner to present double patenting issues with the instant application claims, are not listed.

S/N	PAT. NO.	Specific Independent Claim Number(s)
09/451,560	6,540,512	1, 7, 15, 22
09/451,564	6,350,120	1, 13, 17, 27
09/451,609	6,250,918	1, 9, 15, 18
09/451,637	6,471,512	1, 14
09/452,033	6,587,828	1, 11, 17, 28
09/452,038	6,315,553	1, 8, 9, 14
09/560,130	6,736,638	1, 14, 15, 20
09/560,642	6,688,885	1, 15
09/560,643	6,464,496	1, 10
09/834,412	6,632,089	1, 18, 36, 43
09/835,039	6,648,640	1, 19
10/137,523	6,971,873	1, 8
10/280,758	7,029,275	1
10/607,901	7,003,472	1, 10

The applicants have amended the claims in order to overcome the double patenting issue. However, through the examination process, if it is clearly established that double patenting exists with respect to the instant application, then the applicants will file appropriate terminal disclaimer.

Claim 1

Amended claim 1 of the instant application, serial number 10/620,231, differs from claim 23 of serial number 10/428,461 in two respects: (A) Claim 1 discloses an apparatus for evaluating a treatment set-up that has been planned, but not yet put in practice, in order to make sure that the set-up meets the boundary conditions and

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treatment goals. In other words, claim 1 provides a quality check. Where as claim 23 is directed towards an apparatus for preparing a treatment set-up, which in effect forms an input to claim 1. (B) Additionally, claim 1 apparatus enables evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order.

Claims 8 and 10-15

Amended claim 8 of the instant application, serial number 10/620,231, differs from claims 15 of serial number 11/133,996 in the following respects: (A) Claim 8 is directed to evaluating any given treatment set-up; where as claim 15 is directed to first generating a treatment set-up, then evaluating the specific, generated treatment set-up. (B) Additionally, claim 8 includes evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order; where as claim 15 does not. (C) As noted by the Examiner, Claim 8 does not include the steps of monitoring the progress and evaluating the progress; where as claim 15 does. Claims 10-15 of the instant application, serial number 10/620,231, depend, either directly or through an intervening claim, from claim 8. Similarly, claims 16-22 of serial number 11/133,996 depend, either directly or through an intervening claim, from claim 15. Therefore, the differences listed above equally apply between the group of claims 8 and 10-15 and the group of claims 15-22.

Priority

The applicants have amended the specification in order to provide number for the US patent issued from application serial number 09/834,412. No new matter has been added through this amendment to the specification. Approval of the specification amendment is requested.

Please note that through a typographical error an incorrect application serial number 09/934,412 was listed in item 18.a. of the UTILITY PATENT APPLICATION TRANSMITTAL for the instant application. The correct application serial number is 09/834,412.

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2350 Campbell Creek Blvd., Suite 400
Richardson, Texas 75082

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Claim Rejections - 35 USC § 102

Claims 1-86

Claims 1-86 are pending in the application and stand rejected on prior art grounds. The applicants have amended claims 1, 5, 7, 8, 14, 16, 21, 31, 36, 40, 42, 43, 45, 55, 56, 64, 68, 71-76 and 82 in order to overcome the rejections, or provide proper antecedent basis, or correct spelling and grammatical errors. Please enter amended claims 1, 5, 7, 8, 14, 16, 21, 31, 36, 40, 42, 43, 45, 55, 56, 64, 68, 71-76 and 82.

Claims 16-63, 71-75, and 82-86

The Examiner has rejected claims 16-63, 71-75, and 82-86 under 35 U.S.C. 102(e) as being clearly anticipated by Chishti et al (US 6,227,850).

Regarding claim 16, the amended claim 16 discloses an apparatus for evaluating a treatment set-up that has been planned, but not yet put in practice, in order to make sure that the set-up meets the boundary conditions and treatment goals. In other words, claim 16 provides a quality check. Additionally, claim 16 apparatus enables evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order. In contrast, Chishti does not disclose an apparatus for treatment set-up evaluation. Furthermore, Chishti focuses on position adjustment appliances such as aligners; and certainly does not teach evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order. Consequently, the applicants submit that the invention of claim 16 is not anticipated by Chishti; and respectfully request that the 35 U.S.C. 102(e) rejection of claim 16 should be withdrawn.

Regarding claims 17-39 and 83, each of these claims depends, either directly or through an intervening claim, from independent claim 16. In view of the remarks presented above in support of withdrawal of the anticipation rejection of claim 16 under U.S.C. 102(e), the applicants respectfully submit that the Examiner's grounds for rejection of these claims under U.S.C. 102(e) are moot, and request that the anticipation rejection of claims 17-39 and 83 under U.S.C. 102(e) should also be withdrawn.

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Regarding claim 40, the remarks presented in defense of this claim are analogous to those presented above in defense of claim 16. The amended claim 40 discloses a method for evaluating a treatment set-up that has been planned, but not yet put in practice, in order to make sure that the set-up meets the boundary conditions and treatment goals. In other words, claim 40 provides a quality check. Additionally, claim 40 method enables evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order. In contrast, Chishti does not disclose a method for treatment set-up evaluation. Furthermore, Chishti focuses on position adjustment appliances such as aligners; and certainly does not teach evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order. Consequently, the applicants submit that the invention of claim 40 is not anticipated by Chishti; and respectfully request that the 35 U.S.C. 102(e) rejection of claim 40 should be withdrawn.

Regarding claims 41-63 and 84-86, each of these claims depends, either directly or through one or more intervening claims, from independent claim 40. In view of the remarks presented above in support of withdrawal of the anticipation rejection of claim 40 under U.S.C. 102(e), the applicants respectfully submit that the Examiner's grounds for rejection of these claims under U.S.C. 102(e) are moot, and request that the anticipation rejection of claims 41-63 and 84-86 under U.S.C. 102(e) should also be withdrawn.

Regarding claim 64, the remarks presented in defense of this claim are analogous to those presented earlier in defense of claim 16. The amended claim 64 discloses a method for evaluating a treatment set-up that has been planned, but not yet put in practice, in order to make sure that the set-up meets the boundary conditions and treatment goals. In other words, claim 64 provides a quality check. Additionally, claim 64 method enables evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order. In contrast, Chishti does not disclose a method for treatment set-up evaluation. Furthermore, Chishti focuses on position adjustment appliances such as aligners; and certainly does not teach evaluation of the bends in a customized archwire of

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1st order, 2nd order, and 3rd order. Consequently, the applicants submit that the invention of claim 64 is not anticipated by Chishti; and respectfully request that the 35 U.S.C. 102(e) rejection of claim 64 should be withdrawn.

Regarding claims 65-70, each of these claims depends, either directly or through an intervening claim, from independent claim 64. In view of the remarks presented above in support of withdrawal of the anticipation rejection of claim 64 under U.S.C. 102(e), the applicants respectfully submit that the Examiner's grounds for rejection of these claims under U.S.C. 102(e) are moot, and request that the anticipation rejection of claims 65-70 under U.S.C. 102(e) should also be withdrawn.

Regarding claim 71, the amended claim 71 discloses a method for evaluating a treatment set-up and associated appliances, including an evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order. In contrast, Chishti does not disclose a method for treatment set-up evaluation, or teach an evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order. Consequently, the applicants submit that the invention of claim 71 is not anticipated by Chishti; and respectfully request that the 35 U.S.C. 102(e) rejection of claim 71 should be withdrawn.

Regarding claims 72-75, each of these claims depends, either directly or through one or more intervening claims, from independent claim 71. In view of the remarks presented above in support of withdrawal of the anticipation rejection of claim 71 under U.S.C. 102(e), the applicants respectfully submit that the Examiner's grounds for rejection of these claims under U.S.C. 102(e) are moot, and request that the anticipation rejection of claims 72-75 under U.S.C. 102(e) should also be withdrawn.

Regarding claim 76, the remarks presented in defense of this claim are analogous to those presented above in defense of claim 16. The amended claim 76 discloses a method for evaluating a treatment set-up that has been planned, but not yet put in practice, in order to make sure that the set-up meets the boundary conditions and treatment goals. In other words, claim 76 provides a quality check. Additionally, claim

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76 method enables evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order. In contrast, Chishti does not disclose a method for treatment set-up evaluation. Furthermore, Chishti focuses on position adjustment appliances such as aligners; and certainly does not teach evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order. Consequently, the applicants submit that the invention of claim 76 is not anticipated by Chishti; and respectfully request that the 35 U.S.C. 102(e) rejection of claim 76 should be withdrawn.

Regarding claims 77-81, each of these claims depends, either directly or through one or more intervening claims, from independent claim 76. In view of the remarks presented above in support of withdrawal of the anticipation rejection of claim 76 under U.S.C. 102(e), the applicants respectfully submit that the Examiner's grounds for rejection of these claims under U.S.C. 102(e) are moot, and request that the anticipation rejection of claims 77-81 under U.S.C. 102(e) should also be withdrawn.

Regarding claim 82, the remarks presented in defense of this claim are analogous to those presented above in defense of claim 16. The amended claim 82 discloses a method for evaluating a treatment set-up that has been planned, but not yet put in practice, in order to make sure that the set-up meets the boundary conditions and treatment goals. In other words, claim 82 provides a quality check. Additionally, claim 82 method enables evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order. In contrast, Chishti does not disclose a method for treatment set-up evaluation. Furthermore, Chishti focuses on position adjustment appliances such as aligners; and certainly does not teach evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order. Consequently, the applicants submit that the invention of claim 82 is not anticipated by Chishti; and respectfully request that the 35 U.S.C. 102(e) rejection of claim 82 should be withdrawn.

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Claims 1-86

The Examiner has rejected claims 1-86 under 35 U.S.C. 102(e) as being clearly anticipated by Chishti et al (US 2002/0064748).

Regarding claim 1, the remarks presented in defense of this claim are analogous to those presented earlier in defense of claim 16 against Chishti et al (US 6,227,850). The amended claim 1 discloses an apparatus for evaluating a treatment set-up that has been planned, but not yet put in practice, in order to make sure that the set-up meets the boundary conditions and treatment goals. In other words, claim 1 provides a quality check. Additionally, claim 1 apparatus enables evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order. In contrast, Chishti does not disclose an apparatus for treatment set-up evaluation. Furthermore, Chishti focuses on position adjustment appliances such as aligners; and certainly does not teach evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order. Consequently, the applicants submit that the invention of claim 1 is not anticipated by Chishti; and respectfully request that the 35 U.S.C. 102(e) rejection of claim 1 should be withdrawn.

Regarding claims 2-7, each of these claims depends, either directly or through one or more intervening claims, from independent claim 1. In view of the remarks presented above in support of withdrawal of the anticipation rejection of claim 1 under U.S.C. 102(e), the applicants respectfully submit that the Examiner's grounds for rejection of these claims under U.S.C. 102(e) are moot, and request that the anticipation rejection of claims 2-7 under U.S.C. 102(e) should also be withdrawn.

Regarding claim 8, the remarks presented in defense of this claim are analogous to those presented previously in defense of claim 16. The amended claim 8 discloses a method for evaluating a treatment set-up that has been planned, but not yet put in practice, in order to make sure that the set-up meets the boundary conditions and treatment goals. In other words, claim 8 provides a quality check. Additionally, claim 8 method enables evaluation of the bends in the customized archwire of 1st order, 2nd order,

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and 3rd order. In contrast, Chishti does not disclose a method for treatment set-up evaluation. Furthermore, Chishti focuses on position adjustment appliances such as aligners; and certainly does not teach evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order. Consequently, the applicants submit that the invention of claim 8 is not anticipated by Chishti; and respectfully request that the 35 U.S.C. 102(e) rejection of claim 8 should be withdrawn.

Regarding claims 9-15, each of these claims depends, either directly or through an intervening claim, from independent claim 8. In view of the remarks presented above in support of withdrawal of the anticipation rejection of claim 8 under U.S.C. 102(e), the applicants respectfully submit that the Examiner's grounds for rejection of these claims under U.S.C. 102(e) are moot, and request that the anticipation rejection of claims 9-15 under U.S.C. 102(e) should also be withdrawn.

Regarding claim 16, the remarks are the same as those presented earlier in connection with Chishti et al (US 6,227,850). The amended claim 16 discloses an apparatus for evaluating a treatment set-up that has been planned, but not yet put in practice, in order to make sure that the set-up meets the boundary conditions and treatment goals. In other words, claim 16 provides a quality check. Additionally, claim 16 apparatus enables evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order. In contrast, Chishti does not disclose an apparatus for treatment set-up evaluation. Furthermore, Chishti focuses on position adjustment appliances such as aligners; and certainly does not teach evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order. Consequently, the applicants submit that the invention of claim 16 is not anticipated by Chishti; and respectfully request that the 35 U.S.C. 102(e) rejection of claim 16 should be withdrawn.

Regarding claims 17-39 and 83, each of these claims depends, either directly or through an intervening claim, from independent claim 16. In view of the remarks presented above in support of withdrawal of the anticipation rejection of claim 16 under

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U.S.C. 102(e), the applicants respectfully submit that the Examiner's grounds for rejection of these claims under U.S.C. 102(e) are moot, and request that the anticipation rejection of claims 17-39 and 83 under U.S.C. 102(e) should also be withdrawn.

Regarding claim 40, the remarks are the same as those presented earlier in connection with Chishti et al (US 6,227,850). The amended claim 40 discloses a method for evaluating a treatment set-up that has been planned, but not yet put in practice, in order to make sure that the set-up meets the boundary conditions and treatment goals. In other words, claim 40 provides a quality check. Additionally, claim 40 method enables evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order. In contrast, Chishti does not disclose a method for treatment set-up evaluation. Furthermore, Chishti focuses on position adjustment appliances such as aligners; and certainly does not teach evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order. Consequently, the applicants submit that the invention of claim 40 is not anticipated by Chishti; and respectfully request that the 35 U.S.C. 102(e) rejection of claim 40 should be withdrawn.

Regarding claims 41-63 and 84-86, each of these claims depends, either directly or through one or more intervening claims, from independent claim 40. In view of the remarks presented above in support of withdrawal of the anticipation rejection of claim 40 under U.S.C. 102(e), the applicants respectfully submit that the Examiner's grounds for rejection of these claims under U.S.C. 102(e) are moot, and request that the anticipation rejection of claims 41-63 and 84-86 under U.S.C. 102(e) should also be withdrawn.

Regarding claim 64, the remarks are the same as those presented earlier in connection with Chishti et al (US 6,227,850). The amended claim 64 discloses a method for evaluating a treatment set-up that has been planned, but not yet put in practice, in order to make sure that the set-up meets the boundary conditions and treatment goals. In other words, claim 64 provides a quality check. Additionally, claim 64 method enables

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2350 Campbell Creek Blvd., Suite 400
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evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order. In contrast, Chishti does not disclose a method for treatment set-up evaluation. Furthermore, Chishti focuses on position adjustment appliances such as aligners; and certainly does not teach evaluation of the bends in a customized archwire of 1st order, 2nd order, and 3rd order. Consequently, the applicants submit that the invention of claim 64 is not anticipated by Chishti; and respectfully request that the 35 U.S.C. 102(e) rejection of claim 64 should be withdrawn.

Regarding claims 65-70, each of these claims depends, either directly or through an intervening claim, from independent claim 64. In view of the remarks presented above in support of withdrawal of the anticipation rejection of claim 64 under U.S.C. 102(e), the applicants respectfully submit that the Examiner's grounds for rejection of these claims under U.S.C. 102(e) are moot, and request that the anticipation rejection of claims 65-70 under U.S.C. 102(e) should also be withdrawn.

Regarding claim 71, the remarks are the same as those presented earlier in connection with Chishti et al (US 6,227,850). The amended claim 71 discloses a method for evaluating a treatment set-up and associated appliances, including an evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order. In contrast, Chishti does not disclose a method for treatment set-up evaluation, or teach an evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order. Consequently, the applicants submit that the invention of claim 71 is not anticipated by Chishti; and respectfully request that the 35 U.S.C. 102(e) rejection of claim 71 should be withdrawn.

Regarding claims 72-75, each of these claims depends, either directly or through one or more intervening claims, from independent claim 71. In view of the remarks presented above in support of withdrawal of the anticipation rejection of claim 71 under U.S.C. 102(e), the applicants respectfully submit that the Examiner's grounds for

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rejection of these claims under U.S.C. 102(e) are moot, and request that the anticipation rejection of claims 72-75 under U.S.C. 102(e) should also be withdrawn.

Regarding claim 76, the remarks are the same as those presented earlier in connection with Chishti et al (US 6,227,850). The amended claim 76 discloses a method for evaluating a treatment set-up that has been planned, but not yet put in practice, in order to make sure that the set-up meets the boundary conditions and treatment goals. In other words, claim 76 provides a quality check. Additionally, claim 76 method enables evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order. In contrast, Chishti does not disclose a method for treatment set-up evaluation. Furthermore, Chishti focuses on position adjustment appliances such as aligners; and certainly does not teach evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order. Consequently, the applicants submit that the invention of claim 76 is not anticipated by Chishti; and respectfully request that the 35 U.S.C. 102(e) rejection of claim 76 should be withdrawn.

Regarding claims 77-81, each of these claims depends, either directly or through one or more intervening claims, from independent claim 76. In view of the remarks presented above in support of withdrawal of the anticipation rejection of claim 76 under U.S.C. 102(e), the applicants respectfully submit that the Examiner's grounds for rejection of these claims under U.S.C. 102(e) are moot, and request that the anticipation rejection of claims 77-81 under U.S.C. 102(e) should also be withdrawn.

Regarding claim 82, the remarks are the same as those presented earlier in connection with Chishti et al (US 6,227,850). The amended claim 82 discloses a method for evaluating a treatment set-up that has been planned, but not yet put in practice, in order to make sure that the set-up meets the boundary conditions and treatment goals. In other words, claim 82 provides a quality check. Additionally, claim 82 method enables evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order. In contrast, Chishti does not disclose a method for treatment set-up evaluation. Furthermore, Chishti focuses on position adjustment appliances such as aligners; and certainly does not teach evaluation of the bends in the customized archwire of 1st order,

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2nd order, and 3rd order. Consequently, the applicants submit that the invention of claim 82 is not anticipated by Chishti; and respectfully request that the 35 U.S.C. 102(e) rejection of claim 82 should be withdrawn.

Claims 1-70 and 76-86

The Examiner has rejected claims 1-70 and 76-86 under 35 U.S.C. 102(e) as being clearly anticipated by Doyle et al (US 5,879,158).

Regarding claim 1, the amended claim 1 discloses an apparatus for evaluating a treatment set-up that has been planned, but not yet put in practice, in order to make sure that the set-up meets the boundary conditions and treatment goals. In other words, claim 1 provides a quality check. Additionally, claim 1 apparatus enables evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order. In contrast, Doyle does not disclose an apparatus for treatment set-up evaluation. Furthermore, Doyle focuses on conventional archwires; and certainly does not teach evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order. Consequently, the applicants submit that the invention of claim 1 is not anticipated by Doyle; and respectfully request that the 35 U.S.C. 102(e) rejection of claim 1 should be withdrawn.

Regarding claims 2-7, each of these claims depends, either directly or through one or more intervening claims, from independent claim 1. In view of the remarks presented above in support of withdrawal of the anticipation rejection of claim 1 under U.S.C. 102(e), the applicants respectfully submit that the Examiner's grounds for rejection of these claims under U.S.C. 102(e) are moot, and request that the anticipation rejection of claims 2-7 under U.S.C. 102(e) should also be withdrawn.

Regarding claim 8, the remarks presented in defense of this claim are analogous to those presented above in defense of claim 1. The amended claim 8 discloses a method for evaluating a treatment set-up that has been planned, but not yet put in practice, in order to make sure that the set-up meets the boundary conditions and treatment goals. In

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other words, claim 8 provides a quality check. Additionally, claim 8 method enables evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order. In contrast, Doyle does not disclose a method for treatment set-up evaluation. Furthermore, Doyle focuses on conventional archwires; and certainly does not teach evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order. Consequently, the applicants submit that the invention of claim 8 is not anticipated by Doyle; and respectfully request that the 35 U.S.C. 102(e) rejection of claim 8 should be withdrawn.

Regarding claims 9-15, each of these claims depends, either directly or through an intervening claim, from independent claim 8. In view of the remarks presented above in support of withdrawal of the anticipation rejection of claim 8 under U.S.C. 102(e), the applicants respectfully submit that the Examiner's grounds for rejection of these claims under U.S.C. 102(e) are moot, and request that the anticipation rejection of claims 9-15 under U.S.C. 102(e) should also be withdrawn.

Regarding claim 16, the remarks presented in defense of this claim are analogous to those presented above in defense of claim 1. The amended claim 16 discloses an apparatus for evaluating a treatment set-up that has been planned, but not yet put in practice, in order to make sure that the set-up meets the boundary conditions and treatment goals. In other words, claim 16 provides a quality check. Additionally, claim 16 apparatus enables evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order. In contrast, Doyle does not disclose an apparatus for treatment set-up evaluation. Furthermore, Doyle focuses on conventional archwires; and certainly does not teach evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order. Consequently, the applicants submit that the invention of claim 16 is not anticipated by Doyle; and respectfully request that the 35 U.S.C. 102(e) rejection of claim 16 should be withdrawn.

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Regarding claims 17-39 and 83, each of these claims depends, either directly or through an intervening claim, from independent claim 16. In view of the remarks presented above in support of withdrawal of the anticipation rejection of claim 16 under U.S.C. 102(e), the applicants respectfully submit that the Examiner's grounds for rejection of these claims under U.S.C. 102(e) are moot, and request that the anticipation rejection of claims 17-39 and 83 under U.S.C. 102(e) should also be withdrawn.

Regarding claim 40, the remarks presented in defense of this claim are analogous to those presented above in defense of claim 1. The amended claim 40 discloses a method for evaluating a treatment set-up that has been planned, but not yet put in practice, in order to make sure that the set-up meets the boundary conditions and treatment goals. In other words, claim 40 provides a quality check. Additionally, claim 40 method enables evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order. In contrast, Doyle does not disclose a method for treatment set-up evaluation. Furthermore, Doyle focuses on conventional archwires; and certainly does not teach evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order. Consequently, the applicants submit that the invention of claim 40 is not anticipated by Doyle; and respectfully request that the 35 U.S.C. 102(e) rejection of claim 40 should be withdrawn.

Regarding claims 41-63 and 84-86, each of these claims depends, either directly or through one or more intervening claims, from independent claim 40. In view of the remarks presented above in support of withdrawal of the anticipation rejection of claim 40 under U.S.C. 102(e), the applicants respectfully submit that the Examiner's grounds for rejection of these claims under U.S.C. 102(e) are moot, and request that the anticipation rejection of claims 41-63 and 84-86 under U.S.C. 102(e) should also be withdrawn.

Regarding claim 64, the remarks presented in defense of this claim are analogous to those presented earlier in defense of claim 1. The amended claim 64 discloses a

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method for evaluating a treatment set-up that has been planned, but not yet put in practice, in order to make sure that the set-up meets the boundary conditions and treatment goals. In other words, claim 64 provides a quality check. Additionally, claim 64 method enables evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order. In contrast, Doyle does not disclose a method for treatment set-up evaluation. Furthermore, Doyle focuses on conventional archwires; and certainly does not teach evaluation of the bends in a customized archwire of 1st order, 2nd order, and 3rd order. Consequently, the applicants submit that the invention of claim 64 is not anticipated by Doyle; and respectfully request that the 35 U.S.C. 102(e) rejection of claim 64 should be withdrawn.

Regarding claims 65-70, each of these claims depends, either directly or through an intervening claim, from independent claim 64. In view of the remarks presented above in support of withdrawal of the anticipation rejection of claim 64 under U.S.C. 102(e), the applicants respectfully submit that the Examiner's grounds for rejection of these claims under U.S.C. 102(e) are moot, and request that the anticipation rejection of claims 65-70 under U.S.C. 102(e) should also be withdrawn.

Regarding claim 76, the remarks presented in defense of this claim are analogous to those presented earlier in defense of claim 1. The amended claim 76 discloses a method for evaluating a treatment set-up that has been planned, but not yet put in practice, in order to make sure that the set-up meets the boundary conditions and treatment goals. In other words, claim 76 provides a quality check. Additionally, claim 76 method enables evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order. In contrast, Doyle does not disclose a method for treatment set-up evaluation. Furthermore, Doyle focuses on conventional archwires; and certainly does not teach evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order. Consequently, the applicants submit that the invention of claim 76 is not anticipated by Doyle; and respectfully request that the 35 U.S.C. 102(e) rejection of claim 76 should be withdrawn.

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Regarding claims 77-81, each of these claims depends, either directly or through one or more intervening claims, from independent claim 76. In view of the remarks presented above in support of withdrawal of the anticipation rejection of claim 76 under U.S.C. 102(e), the applicants respectfully submit that the Examiner's grounds for rejection of these claims under U.S.C. 102(e) are moot, and request that the anticipation rejection of claims 77-81 under U.S.C. 102(e) should also be withdrawn.

Regarding claim 82, the remarks presented in defense of this claim are analogous to those presented earlier in defense of claim 1. The amended claim 82 discloses a method for evaluating a treatment set-up that has been planned, but not yet put in practice, in order to make sure that the set-up meets the boundary conditions and treatment goals. In other words, claim 82 provides a quality check. Additionally, claim 82 method enables evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order. In contrast, Doyle does not disclose a method for treatment set-up evaluation. Furthermore, Doyle focuses on conventional archwires; and certainly does not teach evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order. Consequently, the applicants submit that the invention of claim 82 is not anticipated by Doyle; and respectfully request that the 35 U.S.C. 102(e) rejection of claim 82 should be withdrawn.

Claims 1-86

The Examiner has rejected claims 1-86 under 35 U.S.C. 102(e) as being clearly anticipated by Andreiko et al (US 5,368,478).

Regarding claim 1, the amended claim 1 discloses an apparatus for evaluating a treatment set-up that has been planned, but not yet put in practice, in order to make sure that the set-up meets the boundary conditions and treatment goals. In other words, claim 1 provides a quality check. Additionally, claim 1 apparatus enables evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order. In contrast, Andreiko does not disclose an apparatus for treatment set-up evaluation. Furthermore,

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Andreiko focuses on archwires of planar shape (see col. 20, lines 48-49); and certainly does not teach evaluation of the bends in the customized archwire of especially 3rd order. Consequently, the applicants submit that the invention of claim 1 is not anticipated by Andreiko; and respectfully request that the 35 U.S.C. 102(e) rejection of claim 1 should be withdrawn.

Regarding claims 2-7, each of these claims depends, either directly or through one or more intervening claims, from independent claim 1. In view of the remarks presented above in support of withdrawal of the anticipation rejection of claim 1 under U.S.C. 102(e), the applicants respectfully submit that the Examiner's grounds for rejection of these claims under U.S.C. 102(e) are moot, and request that the anticipation rejection of claims 2-7 under U.S.C. 102(e) should also be withdrawn.

Regarding claim 8, the remarks presented in defense of this claim are analogous to those presented above in defense of claim 1. The amended claim 8 discloses a method for evaluating a treatment set-up that has been planned, but not yet put in practice, in order to make sure that the set-up meets the boundary conditions and treatment goals. In other words, claim 8 provides a quality check. Additionally, claim 8 method enables evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order. In contrast, Andreiko does not disclose a method for treatment set-up evaluation. Furthermore, Andreiko focuses on archwires of planar shape (see col. 20, lines 48-49); and certainly does not teach evaluation of the bends in the customized archwire of especially 3rd order. Consequently, the applicants submit that the invention of claim 8 is not anticipated by Andreiko; and respectfully request that the 35 U.S.C. 102(e) rejection of claim 8 should be withdrawn.

Regarding claims 9-15, each of these claims depends, either directly or through an intervening claim, from independent claim 8. In view of the remarks presented above in support of withdrawal of the anticipation rejection of claim 8 under U.S.C. 102(e), the applicants respectfully submit that the Examiner's grounds for rejection of these claims

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under U.S.C. 102(e) are moot, and request that the anticipation rejection of claims 9-15 under U.S.C. 102(e) should also be withdrawn.

Regarding claim 16, the remarks presented in defense of this claim are analogous to those presented above in defense of claim 1. The amended claim 16 discloses an apparatus for evaluating a treatment set-up that has been planned, but not yet put in practice, in order to make sure that the set-up meets the boundary conditions and treatment goals. In other words, claim 16 provides a quality check. Additionally, claim 16 apparatus enables evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order. In contrast, Andreiko does not disclose an apparatus for treatment set-up evaluation. Furthermore, Andreiko focuses on archwires of planar shape (see col. 20, lines 48-49); and certainly does not teach evaluation of the bends in the customized archwire of especially 3rd order. Consequently, the applicants submit that the invention of claim 16 is not anticipated by Andreiko i; and respectfully request that the 35 U.S.C. 102(e) rejection of claim 16 should be withdrawn.

Regarding claims 17-39 and 83, each of these claims depends, either directly or through an intervening claim, from independent claim 16. In view of the remarks presented above in support of withdrawal of the anticipation rejection of claim 16 under U.S.C. 102(e), the applicants respectfully submit that the Examiner's grounds for rejection of these claims under U.S.C. 102(e) are moot, and request that the anticipation rejection of claims 17-39 and 83 under U.S.C. 102(e) should also be withdrawn.

Regarding claim 40, the remarks presented in defense of this claim are analogous to those presented above in defense of claim 1. The amended claim 40 discloses a method for evaluating a treatment set-up that has been planned, but not yet put in practice, in order to make sure that the set-up meets the boundary conditions and treatment goals. In other words, claim 40 provides a quality check. Additionally, claim 40 method enables evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order. In contrast, Andreiko does not disclose a method for treatment set-

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up evaluation. Furthermore, Andreiko focuses on archwires of planar shape (see col. 20, lines 48-49); and certainly does not teach evaluation of the bends in the customized archwire of especially 3rd order. Consequently, the applicants submit that the invention of claim 40 is not anticipated by Andreiko; and respectfully request that the 35 U.S.C. 102(e) rejection of claim 40 should be withdrawn.

Regarding claims 41-63 and 84-86, each of these claims depends, either directly or through one or more intervening claims, from independent claim 40. In view of the remarks presented above in support of withdrawal of the anticipation rejection of claim 40 under U.S.C. 102(e), the applicants respectfully submit that the Examiner's grounds for rejection of these claims under U.S.C. 102(e) are moot, and request that the anticipation rejection of claims 41-63 and 84-86 under U.S.C. 102(e) should also be withdrawn.

Regarding claim 64, the remarks presented in defense of this claim are analogous to those presented above in defense of claim 1. The amended claim 64 discloses a method for evaluating a treatment set-up that has been planned, but not yet put in practice, in order to make sure that the set-up meets the boundary conditions and treatment goals. In other words, claim 64 provides a quality check. Additionally, claim 64 method enables evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order. In contrast, Andreiko does not disclose a method for treatment set-up evaluation. Furthermore, Andreiko focuses on archwires of planar shape (see col. 20, lines 48-49); and certainly does not teach evaluation of the bends in the customized archwire of especially 3rd order. Consequently, the applicants submit that the invention of claim 64 is not anticipated by Andreiko; and respectfully request that the 35 U.S.C. 102(e) rejection of claim 64 should be withdrawn.

Regarding claims 65-70, each of these claims depends, either directly or through an intervening claim, from independent claim 64. In view of the remarks presented above in support of withdrawal of the anticipation rejection of claim 64 under U.S.C.

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102(e), the applicants respectfully submit that the Examiner's grounds for rejection of these claims under U.S.C. 102(e) are moot, and request that the anticipation rejection of claims 65-70 under U.S.C. 102(e) should also be withdrawn.

Regarding claim 71, the remarks presented in defense of this claim are analogous to those presented above in defense of claim 1. The amended claim 71 discloses a method for evaluating a treatment set-up and associated appliances, including an evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order. In contrast, Andreiko does not disclose a method for treatment set-up evaluation, or teach an evaluation of the bends in the customized archwire of especially 3rd order. Consequently, the applicants submit that the invention of claim 71 is not anticipated by Andreiko; and respectfully request that the 35 U.S.C. 102(e) rejection of claim 71 should be withdrawn.

Regarding claims 72-75, each of these claims depends, either directly or through one or more intervening claims, from independent claim 71. In view of the remarks presented above in support of withdrawal of the anticipation rejection of claim 71 under U.S.C. 102(e), the applicants respectfully submit that the Examiner's grounds for rejection of these claims under U.S.C. 102(e) are moot, and request that the anticipation rejection of claims 72-75 under U.S.C. 102(e) should also be withdrawn.

Regarding claim 76, the remarks presented in defense of this claim are analogous to those presented above in defense of claim 1. The amended claim 76 discloses a method for evaluating a treatment set-up that has been planned, but not yet put in practice, in order to make sure that the set-up meets the boundary conditions and treatment goals. In other words, claim 76 provides a quality check. Additionally, claim 76 method enables evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order. In contrast, Andreiko does not disclose a method for treatment set-up evaluation. Furthermore, Andreiko focuses on archwires of planar shape (see col. 20, lines 48-49); and certainly does not teach evaluation of the bends in the customized

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archwire of especially 3rd order. Consequently, the applicants submit that the invention of claim 76 is not anticipated by Andreiko; and respectfully request that the 35 U.S.C. 102(e) rejection of claim 76 should be withdrawn.

Regarding claims 77-81, each of these claims depends, either directly or through one or more intervening claims, from independent claim 76. In view of the remarks presented above in support of withdrawal of the anticipation rejection of claim 76 under U.S.C. 102(e), the applicants respectfully submit that the Examiner's grounds for rejection of these claims under U.S.C. 102(e) are moot, and request that the anticipation rejection of claims 77-81 under U.S.C. 102(e) should also be withdrawn.

Regarding claim 82, the remarks presented in defense of this claim are analogous to those presented above in defense of claim 1. The amended claim 82 discloses a method for evaluating a treatment set-up that has been planned, but not yet put in practice, in order to make sure that the set-up meets the boundary conditions and treatment goals. In other words, claim 82 provides a quality check. Additionally, claim 82 method enables evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order. In contrast, Andreiko does not disclose a method for treatment set-up evaluation. Furthermore, Andreiko focuses on archwires of planar shape (see col. 20, lines 48-49); and certainly does not teach evaluation of the bends in the customized archwire of especially 3rd order. Consequently, the applicants submit that the invention of claim 82 is not anticipated by Andreiko; and respectfully request that the 35 U.S.C. 102(e) rejection of claim 82 should be withdrawn.

Claims 1-86

The Examiner has rejected claims 1-86 under 35 U.S.C. 102(e) as being clearly anticipated by Chishti et al (US 6,406,292).

Regarding claim 1, the remarks presented in defense of this claim are analogous to those presented earlier in defense of claim 16 against Chishti et al (US 6,227,850). The amended claim 1 discloses an apparatus for evaluating a treatment set-up that has been

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planned, but not yet put in practice, in order to make sure that the set-up meets the boundary conditions and treatment goals. In other words, claim 1 provides a quality check. Additionally, claim 1 apparatus enables evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order. In contrast, Chishti does not disclose an apparatus for treatment set-up evaluation. Furthermore, Chishti focuses on position adjustment appliances such as aligners; and certainly does not teach evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order. Consequently, the applicants submit that the invention of claim 1 is not anticipated by Chishti; and respectfully request that the 35 U.S.C. 102(e) rejection of claim 1 should be withdrawn.

Regarding claims 2-7, each of these claims depends, either directly or through one or more intervening claims, from independent claim 1. In view of the remarks presented above in support of withdrawal of the anticipation rejection of claim 1 under U.S.C. 102(e), the applicants respectfully submit that the Examiner's grounds for rejection of these claims under U.S.C. 102(e) are moot, and request that the anticipation rejection of claims 2-7 under U.S.C. 102(e) should also be withdrawn.

Regarding claim 8, the remarks presented in defense of this claim are analogous to those presented previously in defense of claim 16. The amended claim 8 discloses a method for evaluating a treatment set-up that has been planned, but not yet put in practice, in order to make sure that the set-up meets the boundary conditions and treatment goals. In other words, claim 8 provides a quality check. Additionally, claim 8 method enables evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order. In contrast, Chishti does not disclose a method for treatment set-up evaluation. Furthermore, Chishti focuses on position adjustment appliances such as aligners; and certainly does not teach evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order. Consequently, the applicants submit that the invention of claim 8 is not anticipated by Chishti; and respectfully request that the 35 U.S.C. 102(e) rejection of claim 8 should be withdrawn.

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Regarding claims 9-15, each of these claims depends, either directly or through an intervening claim, from independent claim 8. In view of the remarks presented above in support of withdrawal of the anticipation rejection of claim 8 under U.S.C. 102(e), the applicants respectfully submit that the Examiner's grounds for rejection of these claims under U.S.C. 102(e) are moot, and request that the anticipation rejection of claims 9-15 under U.S.C. 102(e) should also be withdrawn.

Regarding claim 16, the remarks are the same as those presented earlier in connection with Chishti et al (US 6,227,850). The amended claim 16 discloses an apparatus for evaluating a treatment set-up that has been planned, but not yet put in practice, in order to make sure that the set-up meets the boundary conditions and treatment goals. In other words, claim 16 provides a quality check. Additionally, claim 16 apparatus enables evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order. In contrast, Chishti does not disclose an apparatus for treatment set-up evaluation. Furthermore, Chishti focuses on position adjustment appliances such as aligners; and certainly does not teach evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order. Consequently, the applicants submit that the invention of claim 16 is not anticipated by Chishti; and respectfully request that the 35 U.S.C. 102(e) rejection of claim 16 should be withdrawn.

Regarding claims 17-39 and 83, each of these claims depends, either directly or through an intervening claim, from independent claim 16. In view of the remarks presented above in support of withdrawal of the anticipation rejection of claim 16 under U.S.C. 102(e), the applicants respectfully submit that the Examiner's grounds for rejection of these claims under U.S.C. 102(e) are moot, and request that the anticipation rejection of claims 17-39 and 83 under U.S.C. 102(e) should also be withdrawn.

Regarding claim 40, the remarks are the same as those presented earlier in connection with Chishti et al (US 6,227,850). The amended claim 40 discloses a method for evaluating a treatment set-up that has been planned, but not yet put in practice, in

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order to make sure that the set-up meets the boundary conditions and treatment goals. In other words, claim 40 provides a quality check. Additionally, claim 40 method enables evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order. In contrast, Chishti does not disclose a method for treatment set-up evaluation. Furthermore, Chishti focuses on position adjustment appliances such as aligners; and certainly does not teach evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order. Consequently, the applicants submit that the invention of claim 40 is not anticipated by Chishti; and respectfully request that the 35 U.S.C. 102(e) rejection of claim 40 should be withdrawn.

Regarding claims 41-63 and 84-86, each of these claims depends, either directly or through one or more intervening claims, from independent claim 40. In view of the remarks presented above in support of withdrawal of the anticipation rejection of claim 40 under U.S.C. 102(e), the applicants respectfully submit that the Examiner's grounds for rejection of these claims under U.S.C. 102(e) are moot, and request that the anticipation rejection of claims 41-63 and 84-86 under U.S.C. 102(e) should also be withdrawn.

Regarding claim 64, the remarks are the same as those presented earlier in connection with Chishti et al (US 6,227,850). The amended claim 64 discloses a method for evaluating a treatment set-up that has been planned, but not yet put in practice, in order to make sure that the set-up meets the boundary conditions and treatment goals. In other words, claim 64 provides a quality check. Additionally, claim 64 method enables evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order. In contrast, Chishti does not disclose a method for treatment set-up evaluation. Furthermore, Chishti focuses on position adjustment appliances such as aligners; and certainly does not teach evaluation of the bends in a customized archwire of 1st order, 2nd order, and 3rd order. Consequently, the applicants submit that the invention of claim 64 is not anticipated by Chishti; and respectfully request that the 35 U.S.C. 102(e) rejection of claim 64 should be withdrawn.

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Regarding claims 65-70, each of these claims depends, either directly or through an intervening claim, from independent claim 64. In view of the remarks presented above in support of withdrawal of the anticipation rejection of claim 64 under U.S.C. 102(e), the applicants respectfully submit that the Examiner's grounds for rejection of these claims under U.S.C. 102(e) are moot, and request that the anticipation rejection of claims 65-70 under U.S.C. 102(e) should also be withdrawn.

Regarding claim 71, the remarks are the same as those presented earlier in connection with Chishti et al (US 6,227,850). The amended claim 71 discloses a method for evaluating a treatment set-up and associated appliances, including an evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order. In contrast, Chishti does not disclose a method for treatment set-up evaluation, or teach an evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order. Consequently, the applicants submit that the invention of claim 71 is not anticipated by Chishti; and respectfully request that the 35 U.S.C. 102(e) rejection of claim 71 should be withdrawn.

Regarding claims 72-75, each of these claims depends, either directly or through one or more intervening claims, from independent claim 71. In view of the remarks presented above in support of withdrawal of the anticipation rejection of claim 71 under U.S.C. 102(e), the applicants respectfully submit that the Examiner's grounds for rejection of these claims under U.S.C. 102(e) are moot, and request that the anticipation rejection of claims 72-75 under U.S.C. 102(e) should also be withdrawn.

Regarding claim 76, the remarks are the same as those presented earlier in connection with Chishti et al (US 6,227,850). The amended claim 76 discloses a method for evaluating a treatment set-up that has been planned, but not yet put in practice, in order to make sure that the set-up meets the boundary conditions and treatment goals. In other words, claim 76 provides a quality check. Additionally, claim 76 method enables evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order.

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In contrast, Chishti does not disclose a method for treatment set-up evaluation. Furthermore, Chishti focuses on position adjustment appliances such as aligners; and certainly does not teach evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order. Consequently, the applicants submit that the invention of claim 76 is not anticipated by Chishti; and respectfully request that the 35 U.S.C. 102(e) rejection of claim 76 should be withdrawn.

Regarding claims 77-81, each of these claims depends, either directly or through one or more intervening claims, from independent claim 76. In view of the remarks presented above in support of withdrawal of the anticipation rejection of claim 76 under U.S.C. 102(e), the applicants respectfully submit that the Examiner's grounds for rejection of these claims under U.S.C. 102(e) are moot, and request that the anticipation rejection of claims 77-81 under U.S.C. 102(e) should also be withdrawn.

Regarding claim 82, the remarks are the same as those presented earlier in connection with Chishti et al (US 6,227,850). The amended claim 82 discloses a method for evaluating a treatment set-up that has been planned, but not yet put in practice, in order to make sure that the set-up meets the boundary conditions and treatment goals. In other words, claim 82 provides a quality check. Additionally, claim 82 method enables evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order. In contrast, Chishti does not disclose a method for treatment set-up evaluation. Furthermore, Chishti focuses on position adjustment appliances such as aligners; and certainly does not teach evaluation of the bends in the customized archwire of 1st order, 2nd order, and 3rd order. Consequently, the applicants submit that the invention of claim 82 is not anticipated by Chishti; and respectfully request that the 35 U.S.C. 102(e) rejection of claim 82 should be withdrawn.

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Favorable consideration of the application and allowance of all claims is requested.

Respectfully submitted.

Date: 22 Aug 2006 By: Jasvantra C. Shah
Jasvantra C. Shah
Reg. No. 39,444

CERTIFICATE OF TRANSMISSION

The undersigned hereby certifies that the foregoing Amendment is being transmitted by facsimile to number (571) 273-8300 addressed to: Commissioner for Patents, Attn. Todd E. Manahan, on this 22nd day of August 2006.

Jasvantra C. Shah
Jasvantra C. Shah
Reg. No. 39,444